REMARKS

In the Office Action, Examiner rejects pending claims 1, 2, 5-8, 10, 11, 14-17 and 19 under 35 U.S.C 103(a) as being unpatentable over Mao in view of Shabtay.

Applicant notes that in the May 29, 2009 Office Action, Examiner has rejected pending claims 1, 2, 5-8, 10, 11, 14-17 and 19 under 35 U.S.C 103(a) as being unpatentable over US Publication No. 2003/0088876 to Mao et al. (hereinafter Mao) in view of US Publication No. 2002/0120743 to Shabtay et al. (hereinafter Shabtay).

Applicant also notes that Examiner has rejected pending claims 3, 4, 9, 12, 13 and 18 under 35 U.S.C 103(a) as being unpatentable over Mao in view of Shabtay and further in view of US Patent No. 7,188,151 to Kumar et al. (hereinafter Kumar).

Applicant further notes that Examiner has rejected pending claims 20-24 under 35 U.S.C 103(a) as being unpatentable over Mao in view of Shabtay and further in view of US Patent No. 6,574,663 to Bakshi et al. (hereinafter Bakshi).

Rejections under 35 U.S.C 103(a) based upon Mao in view of Shabtay

Pending Claim 1 recites the following:

A data acquisition source management method comprising:

generating a source list identifying a set of acquisition sources coupled to a Real-time Multimedia Data On Demand (RTMDOD) server, each acquisition source within the set of acquisition sources for provision of data therefrom;

receiving a list request from a data requestor system in data communication with the RTMDOD server;

providing the source list to the data requestor system in response to the list request;

receiving a data request from the data requestor system at the RTMDOD server, the data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided;

transmitting a data acquisition request from the RTMDOD server to the first acquisition source in response to the data request; and

initiating the transmission of data at the first acquisition source in response to the data acquisition request.

Thus, the method of above-referenced claim 1 recites generating a source list that identifies a set of acquisition sources coupled to an RTMDOD server; receiving a list request from a data requestor in data communication with the RTMDOD server; providing the source list to the data requestor system in response to the list request; and receiving a data request from the data requestor system at the RTMDOD server. The data request identifies a first acquisition source within the set of acquisition sources.

Pending claim 1 further recites transmitting a data acquisition request from the RTMDOD server to the first acquisition source; and initiating the transmission of data at the first acquisition source in response to the data acquisition request. Therefore, in accordance with pending claim 1, in response to the RTMDOD server's receipt of a data request from the data requestor, the RTMDOD server transmits a data acquisition request to the first acquisition source. In response to the first acquisition source's receipt of the data acquisition request, data transmission is initiated. In other words, the data acquisition request is transmitted from the RTMDOD server in response to the data requestor system's data request, and the transmission of data itself is initiated at the first acquisition source in response to the RTMDOD's data acquisition request.

Applicant respectfully submits that pending claim 1 is patentably distinct as well as nonobvious over Mao in view of Shabtay.

Examiner acknowledges that Mao fails to disclose the generation of the claimed source list. Examiner asserts that the difference between the claimed invention and Mao is that the source list of the claimed invention identifies a set of acquisition sources, whereas Mao instead discloses the generation of a list of data items.

Examiner has further asserted that Shabtay, which discloses the selection of a server to service a client, discloses the selection of a server from a multiple server list which then serves

the client. Examiner asserts that it would have been obvious for one of ordinary skill in the art to combine Mao and Shabtay in order to efficiently select a source before requesting service from the source responsive to a number of available connections.

Examiner has apparently equated the identification of a first acquisition source within the set of acquisition sources from which data is to be provided, as recited in Applicant's pending claim 1, with the selection of a server to service a client in Shabtay. Regardless of Examiner's assertion of any apparent equivalence between particular elements of Applicant's pending claim 1 with respect to Mao and/or Shabtay, Applicant submits that key differences exist between pending claim 1 and any teaching or suggestion of Mao and Shabtay.

In particular, with regard to Mao, Applicant submits that it is disclosed in Mao that Video on Demand (VOD) client software communicates with a VOD asset management system to display lists of available video programming to a cable television (CATV) subscriber. The VOD asset management system aggregates all of the separate pre-recorded / pre-stored VOD assets such as videos or movies from all VOD sources or vendors into a single listing of VOD assets. This single listing of VOD assets is transferred to the set-top box and presented to the CATV subscriber. The CATV subscriber then selects a particular video for viewing.

Neither the set-top box nor the CATV subscriber is provided with any information about the identity of any particular VOD system(s), device(s), or source(s) at or upon which any particular video under consideration resides. That is, in accordance with Mao, the set-top box and the CATV subscriber remain blind as to the identity of a particular VOD source upon which a video under consideration resides. Nowhere does Mao mention generating a list of VOD servers and providing the list of VOD servers to the client. Mao fails to provide, allow for, suggest, contemplate, or lead to any awareness of any need whatsoever for any input, communication, selection, or request made by the client in order to identify a specific VOD system or device within a set of VOD systems or devices. Mao neither sees nor foresees, and further fails to lead, influence, or inspire anyone of any skill level in the art toward any awareness of any need or reason to keep the client in anything other than a blinded state regarding the identity of particular VOD systems, which the VOD asset management system shields from the client.

In addition, Applicant's pending claim 1 is further distinguished from anything taught or suggested Mao, as detailed hereafter. In accordance with pending claim 1:

- a source list identifying a set of acquisition sources coupled to a RTMDOD server is generated; and
- a data request from the data requestor system is received at the RTMDOD server, the data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided.

While Examiner has noted that the source list of the claimed invention identifies a set of acquisition sources whereas Mao discloses generating a data list that specifies a list of available videos, Applicant further submits that in the claimed invention, the data request from the data requestor identifies a first acquisition source from within the set of acquisition sources from which data is to be provided. In contrast, in Mao, a video is selected by the CATV subscriber for viewing. Nowhere does Mao teach, suggest, or contemplate the identification or selection of an acquisition source by the CATV subscriber, particularly an acquisition source that is configured for the provision of data in accordance with pending claim 1. Thus, Mao fails to teach, suggest, or lead to any contemplation of any client driven identification or selection of a particular acquisition source or acquisition device from an acquisition source list that identifies acquisition sources or devices themselves. Rather, Mao fundamentally relates to a CATV subscriber simply selecting a video from a list of available videos, rather than a particular device at or upon which the video resides.

Applicant respectfully reiterates that selection of an acquisition source by way of a data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided as recited in pending claim 1 is nowhere contemplated or suggested by Mao. Therefore, the identification of an acquisition source by the data requestor system by way of the data request recited in pending claim 1 further distinguishes the claimed invention from Mao.

With regard to Shabtay, Applicant submits that Shabtay discloses a server farm consisting of a plurality of servers that host information of one or more websites. A load

balancer receives packets from clients that include request messages directed to the websites, and the load balancer itself selects a particular server to service each of the request messages. The packets are then communicated to the selected server in accordance with a splicing operation. The load balancer, which manages the server connections, ensures that at substantially all times the number of available connections between the load balancer and each of the servers is within a predetermined range or is equal to a predetermined number.

In accordance with Shabtay, the client does not select a particular server; rather, the load balancer selects the server. The client remains blind as to which particular server the load balancer selects. Nowhere in Shabtay is there mentioned a list of servers is provided to the client. Nowhere does Shabtay mention that a list of servers is available for selection by the client, and that data is acquirable by the client from a client selected server. The servers are simply connected to the load balancer and a selection is made by the load balancer based on server connection management processes that fail to provide for client based selection of a specific server by way of a data request that identifies a first acquisition source within a set of acquisition sources.

As with Mao, Shabtay neither sees nor foresees, and further fails to lead, influence, or inspire anyone of any skill level in the art toward any awareness of any need or reason to keep the client in anything other than a blinded state regarding the identity of particular servers, which the load balancer shields from the client. Thus, both Mao and Shabtay completely fail to provide any awareness of or incentive relating to any situation in which a client should be provided with a list of acquisition sources as recited in pending claim 1, and Mao and Shabtay further fail to provide any awareness of or incentive relating to the client selection of an acquisition source by way of a data request that identifies a first acquisition source within a set of acquisition sources provided to the client by way of a source list.

Any combination of any teaching of Mao with any teaching of Shabtay results in a situation in which the client remains blind with respect to the identity of any type of acquisition source. Nothing within either of Mao or Shabtay gives rise or leads to, or suggests any awareness of, or even infers any incentive or inspiration to unblind the client, that is, to explicitly make the client aware of the identity of acquisition sources themselves. No combination of any

teaching of Mao with any teaching of Shabtay yields the invention of claim 1, including any combination of any type of server list taught by Shabtay with any teaching of Mao. Rather, any combination of Mao and Shabtay leads away from making a client aware of the identities of acquisition sources within a set of acquisition sources. Thus, any combination of Mao and Shabtay teaches away from the generation of a source list identifying a set of acquisition sources, providing the source list to a data requestor system, and receiving a data request from the data requestor system where the data request identifies a first acquisition source within the set of acquisition sources as recited in Applicant's claim 1. No portion of Shabtay and/or Mao would lead one of any skill in the art to the invention recited in Applicant's claim 1. Furthermore, no portion of Shabtay and/or Mao would lead one of ordinary skill in the art to any awareness of the invention recited in pending claim 1. Applicant respectfully asserts that pending claim 1 is nonobvious over Mao in view of Shabtay.

Pending claim 10 recites the following language:

A data acquisition source management system comprising:

means for generating a source list identifying a set of acquisition sources coupled to a Real-time Multimedia Data On Demand (RTMDOD) server, each acquisition source within the set of acquisition sources for provision of data therefrom;

means for receiving a list request from the data requestor system in data communication with the RTMDOD server;

means for providing the source list to the data requestor system in response to the list request;

means for receiving a data request from the data requestor system at the RTMDOD server, the data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided;

means for transmitting a data acquisition request from the RTMDOD server to the first acquisition source in response to the data request; and

means for initiating the transmission of data at the first acquisition source in response to the data acquisition request.

Remarks made above in relation to pending claim 1 analogously apply to pending claim 10.

The combination of Mao and Shabtay fails to teach or suggest the generation of source list and identification of a first acquisition source in the manner recited in Applicant's claims 1 and 10. No combination of Mao and Shabtay results in the invention of pending claims 1 and 10. Applicant respectfully submits that pending claims 1 and 10 are patentably distinct over and nonobvious in view of any combination of Mao and Shabtay.

Accordingly, with regard to Examiner's rejections under 35 U.S.C. §103(a) of pending claims 1 and 10, Applicant submits that these rejections are consequently disposed of and pending claims 1 and 10 are now in condition for allowance. Applicant submits that other 35 U.S.C. §103(a) rejections for corresponding dependent claims 2 to 8, 11 to 17 and 19 are consequently disposed of and therefore such dependent claims are in condition for allowance. Applicant respectfully requests withdrawal of Examiner's rejections of pending claims 1 and 10, and their corresponding dependent claims, under 35 U.S.C. § 103(a).

Rejection under 35 U.S.C. § 103(a) based upon Mao in view of Shabtay and further in view of Kumar

Rejection of claims 3, 4, 12, and 13

In the Office Action, Examiner has rejected pending claims 3, 4, 12 and 13 under 35 U.S.C 103(a) as being unpatentable over Mao in view of Shabtay and further in view of Kumar.

Applicant respectfully submits that no combination of Mao, Shabtay, and Kumar results in the invention recited in claims 1 and 10, and pending claims 1 and 10 are non-obvious over the combination of Mao, Shabtay and Kumar. Moreover, pending claims 3, 4, 12 and 13, being dependent on their respective independent claims (claims 1 and 10), are non-obvious over the combination of Mao, Shabtay and Kumar. Hence, Applicant respectfully submits that

Examiner's assertions of pending claims 3, 4, 12 and 13 in relation to the combination of Mao, Shabtay and Kumar are rendered moot.

Applicant therefore submits that pending claims 3, 4, 12 and 13 are in condition for allowance, and respectfully requests withdrawal of their rejection under 35 U.S.C. § 103(a).

Rejection of claims 9 and 18

In the Office Action, Examiner rejects claims 9 and 18 under 35 U.S.C. § 103(a) as being obvious over Mao in view of Shabtay and further in view of Kumar.

Examiner asserts that the feature(s) of pending claims 9 and 18 are disclosed by the teaching of Kumar wherein the Admin module of Kumar's Figure 19 shows that the client's submodule includes servlets that display disabled and enabled clients and modify the profile of the client. In addition, Kumar discloses that the provider is notified that a session is in progress via a flashing "live" button.

Applicant respectfully disagrees with Examiner and submits that pending claim 9 is patentably distinct and nonobvious with respect to Mao in view of Shabtay and further in view of Kumar.

In particular, Applicant submits that it is disclosed in Kumar that the provider is notified of a session in progress via a flashing "live" button. Therefore the "live" button differentiates a patient who is listed on the screen and transmitting data and a patient who is listed on the screen but not transmitting data. Hence, the patients who are not ready for data communication with the provider (i.e., the status of the patients are "inactive") are still listed on the screen.

In contrast, pending claim 9 (emphasis added) recites:

The data acquisition source management method as in claim 4, providing a source list to the data requestor system further comprises:

verifying status of each of the acquisition source within the set of acquisition sources, the status of each of the acquisition source being one of active and inactive;

updating the source list by removing the acquisition source having the status of inactive therefrom; and

transmitting the updated source list to each of the plurality of data requestor system registered on the requestor list.

Therefore, the steps of updating the source list by removing an inactive acquisition source and transmitting the updated source list to the data requestor system as recited in pending claim 9 are not disclosed or suggested by Kumar, since the "live" button disclosed in Kumar differentiates a patient who is listed on the screen and transmitting data and a patient who is listed on the screen but not transmitting data. Therefore, in Kumar, the patients who are not ready for data communication with the provider (i.e. the status of the patients are "inactive") are still listed on the screen. Kumar explicitly teaches retaining on the screen a list of patients that have an "inactive" status, in contrast to Applicant's invention recited in claim 9. Kumar thus teaches away from claim 9.

Relative to Examiner's rejection of pending claim 18 under 35 U.S.C. § 103(a), Applicant submits that the foregoing remarks in relation to pending claim 9 also apply to pending claim 18.

Applicant therefore submits that pending claims 9 and 18 are in condition for allowance, and respectfully requests withdrawal of their rejection under 35 U.S.C. § 103(a).

Rejection under 35 U.S.C. § 103(a) based upon Mao in view of Shabtay and further in view of Bakshi

In the Office Action, Examiner rejects pending claims 20 to 24 under 35 U.S.C. § 103(a) as being obvious over Mao in view of Shabtay and further in view of Bakshi.

The Examiner asserts that the feature(s) of pending claims 20 to 24 are disclosed by the teaching of Bakshi in that the active device reports its status periodically to the topology server and that the status is reported periodically to the topology server.

Applicant respectfully disagrees with Examiner and submits that pending claims 20 to 24 are patentably distinct and non-obvious over Mao in view of Shabtay and further in view of Bakshi.

Claims 20 to 24 are directly or indirectly depend upon claim 1. Applicant submits that no combination of Mao, Shabtay, and Bakshi results in or leads to the invention recited in claims 1

and 10, and pending claims 1 and 10 are non-obvious over any combination of Mao, Shabtay, and Bakshi. Hence, Applicant respectfully submits that Examiner's rejections of claims 20 to 24 in relation to the combination of Mao, Shabtay and Bakshi are rendered moot.

Applicant further submits that Mao, Shabtay and Bakshi do not correlate, with respect to field or application, either to each other or to the claimed invention. In particular, Mao relates to a Video on Demand (VOD) gateway which facilitates cooperation between incompatible sub-systems, Shabtay relates to the management of server connections to ensure that at substantially all times the number of available connections between the load balancer and each of the servers is within a predetermined range or is equal to a predetermined number, whereas Bakshi relates to a discovery protocol for discovery of devices. Any merger of any teaching of Bakshi with Mao and/or Shabtay results in a combination that does not correlate, with respect to field or application, to Applicant's claimed invention.

In view of the foregoing remarks, Applicant submits that pending claims 20 to 24 are in condition for allowance, and respectfully requests withdrawal of their rejection under 35 U.S.C. § 103(a).

Conclusion

In accordance with the foregoing remarks, Applicant respectfully submits that no combination of Mao, Shabtay, Kumar, and/or Bakshi results in or leads to the invention recited by independent claims 1 and 10, or any invention recited in their corresponding dependent claims.

Therefore Applicant requests withdrawal of rejections of pending claims 1 to 24 under 35 U.S.C. § 103(a). Examiner reconsideration and issuance of a Notice of Allowance are hereby respectfully requested.

It is believed that no extension of time or fees is required, beyond those noted or that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account Number 03-2769.

Respectfully submitted,

/Tim D. Chheda/

Tim D. Chheda
PTO Reg. No. 60,752
Conley Rose, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS